UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 16 2015

REPLY TO THE ATTENTION OF

E-19J

George Poirier
Division Administrator
Federal Highway Administration
525 Junction Road, Suite 8000
Madison, Wisconsin 53717

Re: Draft Environmental Impact Statement for the I-94 East-West Corridor from 70th Street to 16th Street, Milwaukee County, Wisconsin – CEQ #20140326

Dear Mr. Poirier:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (EIS) for the I-94 East-West Corridor from 70th Street to 16th Street in Milwaukee County, Wisconsin as provided by the Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT). Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The corridor is divided into East and West segments, with two alternatives for each segment, resulting in four combined alternative scenarios, in addition to the No Build. Within each alternative, there are further alternatives for the Hawley Road interchange and vertical positioning of the double deck section. The Build Alternatives are:

- West Segment (70th Street to Stadium Interchange):
  - At-Grade: Add a 4th lane in each direction, with either no Hawley Road interchange or a half-interchange, and narrow lanes/shoulders through the cemetery area.
  - Double Deck: Add a 4th lane in each direction, with a Hawley Road interchange and double deck, either all up or partially down, through the cemetery area.
- East Segment (Stadium Interchange):
  - On-alignment: Add a 4th lane in each direction with a modified single-point interchange at the Stadium Interchange and remaining nearly on-alignment east of 32nd Street.
  - Off-alignment: Add a 4th lane in each direction with a modified single-point interchange at the Stadium Interchange and an off-alignment segment east of 32nd Street.

EPA has previously concurred with the purpose and need and the range of alternatives. A preferred alternative will be identified in the Final EIS.

EPA commends WisDOT and FHWA for the use of excellent explanatory diagrams, such as the diagrams of auxiliary lanes and collector-distributor roads (page 2-8) and Bridge Terminology (Exhibit 1-7). The addition of these diagrams greatly improves reviewer comprehension, particularly for those unfamiliar with transportation-related terms.

Based on EPA's review, we rate the document **LO - Lack of Objections**. However, we recommend the following issues be clarified in the Final EIS and, for some issues, mitigation measures be committed to in the Record of Decision (ROD). Our Summary of Ratings Definitions is enclosed.

Environmental Justice

The Draft EIS concludes there would be no disproportionately high and adverse impacts to communities with environmental justice (EJ) concerns. As part of this analysis, WisDOT and FHWA considered freeway accessibility to and from the neighborhoods adjacent to the Hawley Road interchange. EPA notes the statistics provided by the Mayor of West Allis in the June 26, 2014 letter (Appendix D, D-76), which indicate that ramps for 68th/70th Street exit would experience a disproportionately high amount of traffic. The Draft EIS does not include information on how many additional vehicles would use other interchanges (68th/70th Street and Stadium) if the Hawley Road interchange is either fully or partially closed.

> **Recommendation**: The Final EIS should include actual anticipated traffic volume at 68th/70th Street and Stadium interchanges, other interchanges, and the adjacent arterial road network if the Hawley Road interchange is either fully or partially closed.

The West Allis letter further states that local access to and from the freeway from neighborhoods adjacent to Hawley Road is already impacted. This impact would be amplified if the Hawley Road interchange is closed because one less freeway access point would be available to the members of West Allis, likely resulting in increased diverted traffic on local roads. Other than to note that there are other exits within one mile, the Draft EIS does not clarify how the closure of the Hawley Road exit would impact adjacent communities. Will the Hawley Road interchange closure have a disproportionately high and adverse impact to adjacent communities? How will that action affect level of service for drivers moving through the area/

> **Recommendation**: The Final EIS should clarify how either full or partial closure of the Hawley Road interchange will impact communities adjacent to the interchange. These communities appear to receive the burden of diminished access to the freeway and its associated impacts, without any of the benefits that through-drivers will receive.

Visual and Aesthetics

EPA commends WisDOT and FHWA for developing a community-sensitive design (CSD) committee and for identifying CSD measures that will minimize the visual impact of the double-deck alternative. Potential mitigation measures are discussed on page 3-66.

> **Recommendation**: Upon selection of the preferred alternative, mitigation measures should be incorporated into the Final EIS, and committed to in the ROD, including any

planned post-ROD coordination efforts with community stakeholders and cemetery officials.

Utility Impacts

The Draft EIS states, "...the possibility that the northern row of transmissions towers would need to be moved north from their current locations, which would require easements from property owners along the transmission-line corridor." (Section 3.4.2.2, page 3-21). The Draft EIS does not explain under what circumstances the northern row of transmission towers would need to be moved and whether this is related to the I-94 project activities.

Recommendation: If the circumstances under which the northern row would be moved are related to the proposed project activities, potential impacts associated with the tower relocations should be disclosed in the Final EIS. Resultant mitigation should also be identified.

Surface Water

EPA commends WisDOT and FHWA's inclusion of Exhibit 3-26 and discussion on page 3-72 of stormwater best management practices (BMPs). For example, reconstruction of the Stadium Interchange requires some reconfiguration of Miller Stadium's parking facilities. This is an opportunity for additional parking areas to be constructed using pervious pavement.

Recommendation: EPA recommends stormwater BMPs be implemented where possible as discussed on page 3-73. We also recommend permeable pavement or other green infrastructure be used where changes to existing impermeable pavement are proposed. Because of the increase in impervious surfaces in each of the Build Alternatives, the Final EIS should identify additional methods and areas to increase infiltration. For example, we recommend that new parking areas at Miller Stadium use permeable pavement. Any mitigation measures should be included in the Final EIS and committed to in the ROD.

Diesel Emissions

While EPA recognizes that project area is an attainment area for five of six criteria pollutants and maintenance for $PM_{2.5}$, we expect construction equipment used to emit diesel emissions. The National Institute for Occupational Safety and Health (NIOSH) has determined that diesel exhaust is a potential occupational carcinogen, based on a combination of chemical, genotoxicity, and carcinogenicity data. In addition, acute exposures to diesel exhaust have been linked to health problems such as eye and nose irritation, headaches, nausea, asthma, and other respiratory system issues. These exposures will likely be more pronounced in this highly urbanized project areas, especially since traffic congestion is expected to increase on I-94 and the adjacent network during construction.

Recommendations: Although every construction site is unique, common actions can reduce exposure to diesel exhaust. EPA recommends that FHWA and WisDOT commit to the following actions during construction in the Final EIS and license:

- Using low-sulfur diesel fuel (15 parts per million sulfur maximum) in construction vehicles and equipment.
- Retrofitting engines with an exhaust filtration device to capture diesel particulate matter before it enters the construction site.
- Positioning the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, thereby reducing the fume concentration to which personnel are exposed.
- Using catalytic converters to reduce carbon monoxide, aldehydes, and hydrocarbons in diesel fumes. These devices must be used with low sulfur fuels.
- Ventilating wherever diesel equipment operates indoors. Roof vents, open doors and windows, roof fans, or other mechanical systems help move fresh air through work areas. As buildings under construction are gradually enclosed, remember that fumes from diesel equipment operating indoors can build up to dangerous levels without adequate ventilation.
- Attaching a hose to the tailpipe of diesel vehicles running indoors and exhaust the fumes outside, where they cannot re-enter the workplace. Inspect hoses regularly for defects and damage.
- Using enclosed, climate-controlled cabs pressurized and equipped with high efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Regularly maintaining diesel engines, which is essential to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance. For example, blue/black smoke indicates that an engine requires servicing or tuning.
- Reducing exposure through work practices and training, such as turning off engines when vehicles are stopped for more than a few minutes, training diesel-equipment operators to perform routine inspection, and maintaining filtration devices.
- Purchasing new vehicles that are equipped with the most advanced emission control systems available.
- Using electric starting aids such as block heaters with older vehicles to warm the engine reduces diesel emissions.
- Using respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a NIOSH approval number. Never use paper masks or surgical masks without NIOSH approval numbers.

Thank you in advance for your consideration of our comments. We look forward to reviewing the Final EIS and Record of Decision. We also anticipate responding to the final concurrence point (preferred alternative) under the NEPA/Clean Water Act Section 404 merger process once a preferred alternative is proposed. If you have any questions, please do not hesitate to contact me or Elizabeth Poole of my staff at 312-353-2087 or poole.elizabeth@epa.gov.

Sincerely,

Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure: Summary of Ratings Definitions

cc (via email): Bethaney Bacher-Gresock, Federal Highway Administration
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